

RECOMMENDATIONS FOR REFORM

GALs should represent the best interest of the child

Every case should have a GAL appointed for children. It is very important we start looking out for the children. -PARENT

Duties and responsibilities clearly defined

Without clear explanation of GAL responsibilities, behaviors have often been unethical, such as becoming a decision-maker, not a fact finder, and over-riding or dismissing other professionals' opinions. -CFS TEAM MEMBER

Reasonable fees based on experience and ability

Monthly itemized billing is essential in my opinion. -GAL

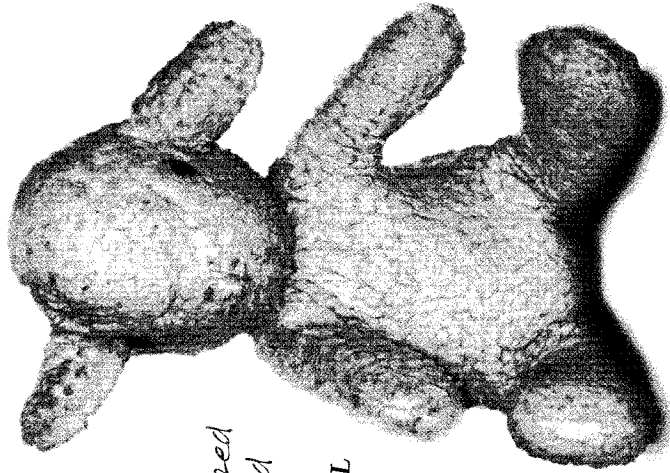
Standard training across the state

I like the idea of standardized training, regular supervision and continuing education.

-MENTAL HEALTH PROFESSIONAL

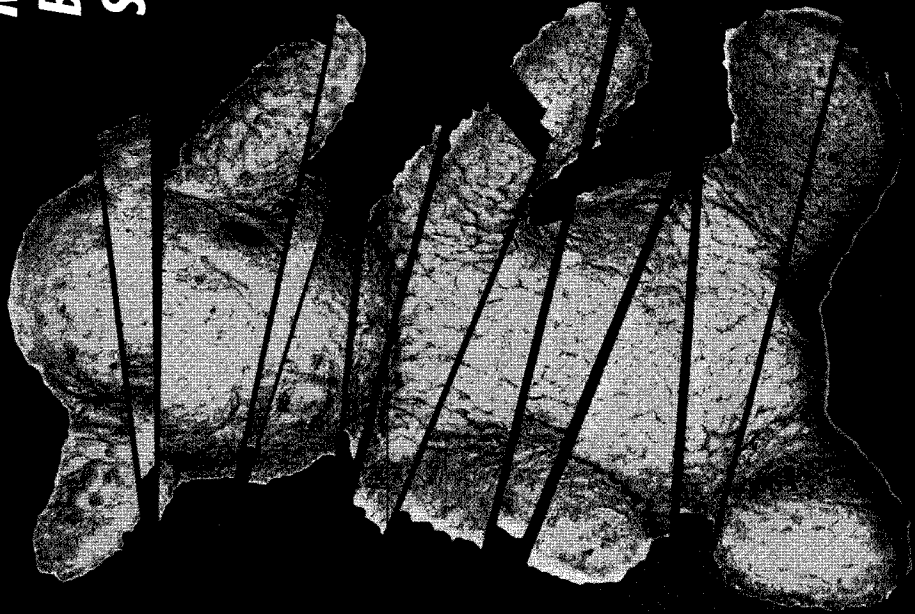
Clear grievance procedure

I believe that a review board should be comprised of professionals such as social workers, teachers, parents and GALs. -PARENT



AD LITEM

REFORMING MONTANA'S BROKEN SYSTEM



A GUARDIAN AD LITEM (GAL) IS

appointed by a judge to advocate for the best interests of a child whose parents are involved in divorce or custody proceedings. The role of the GAL is to conduct impartial investigations and make unbiased recommendations to the court determining parental custody and a parenting plan.

Each year, courts order more than 58,000 children in custody disputes nationwide into unsupervised contact with an abusive parent.¹ Montana has one of the least structured GAL systems in the country and is in need of reform. Parents and professionals who've been involved with a GAL in our state say that the system is lacking accountability regarding qualifications, training, standards, and guidelines. Amending Montana's GAL legislation would alleviate problems caused by the lack of standards, ensuring that guardians can better protect children involved in custody disputes.

1. The Leadership Council on Child Abuse and Interpersonal Violence, www.leadershipcouncil.org/1/med/PR3.html, 9/22/2008 press release

GAL USAGE ACROSS MT

DUE TO VAGUENESS in the Montana Code Annotated statutes governing GALs in divorce proceedings, districts and tribal courts differ in how they use GALs. Usage ranges from never to rarely to regularly due to differences in availability, affordability, judge preference, and usage of alternative systems instead of GALs. There is an informal consensus that GALs would take some burden off of district and tribal courts if they were available and affordable.

Yes, there is a need for GALs, or someone to represent the child's best interest. -BLACKFEET TRIBAL COURT

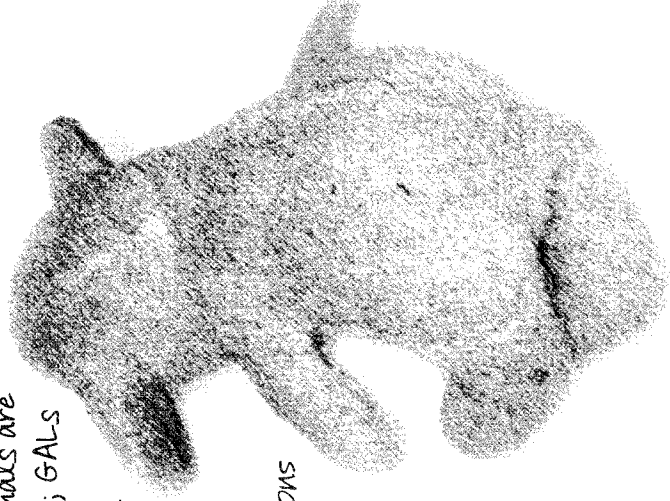
Many parents are not informed about what the process entails nor are they prepared for the cost or the time. -CLERK OF DISTRICT COURT

SUPERVISION AND ACCOUNTABILITY

IN MONTANA, GALs operate without supervision and are only accountable to the judges who appoint them. Read about the damage this can cause.

My experience with a GAL was one of powerlessness, violation, and disbelief. Unsupervised and untrained GALs can have devastating effects on a family system. **-PARENT**

I envision a review panel made up of different professionals related to the issues, who provide oversight to the GALs when complaints are filed. Professionals are subjected to a licensing board; GALs should be subjected to review as well. **-MENTAL HEALTH PROFESSIONAL**



Stringent licensing regulations as well as board oversight are required to paint fingernails in the state of Montana, yet there is no oversight or licensing for GALs representing the safety of our children. **-PARENT**

LOSSES

IN MONTANA, families have experienced unnecessary losses with the current system. Here are their voices.

In the eyes of a child, a parent can fix everything – we are their “heroes”. This system removed my cape and power. **-PARENT**

Without required training, oversight, accountability, guidelines on authority, or professional standards, the door is left wide open for abuse. This abuse falls upon the innocent children the GALs are there to serve. **-MENTAL**

HEALTH PROFESSIONAL

I did not lose my children because I am a bad mother. I lost them because the ones assigned to uphold the laws have corrupted the system. **-PARENT**

The GAL had complete and utter power over my children's lives. I was powerless in the face of the system. **-PARENT**



STANDARDS AND GUIDELINES

IN MONTANA, there are no standards or guidelines for a GAL to follow. Consequently, GALs may work months or years on a single case, which can force families into debt. Read some of these concerns.

Egos, power trips, and money-making have no place in this process. A child's safety should not depend on a parent's ability to pay.
-CFS MEMBER

The bottom line is that GALs need regulation. I've seen life altering decisions made by GALs that will forever affect children's lives, one way or another.

-MENTAL HEALTH PROFESSIONAL

Initially, the concept of a professional hired to objectively work for the best interest of my children seemed ideal. Six and a half years (and thousands of dollars) later, my children live unsupervised with an abusive father, and I am completely powerless.

-PARENT

QUALIFICATIONS AND TRAINING

IN MONTANA, no experience or professional GAL training is required. GALs operate in the absence of qualification standards and may lack expertise on key issues. Here are some concerns.

I believe that everyone who serves as a GAL must have training before they attempt any cases.
-GAL

The GAL, who was untrained in domestic violence, child development, or the signs and symptoms of sexual or physical abuse, failed to advocate for my children's best interest.

Despite the fact that my girls had disclosed to professionals that they had been sexually abused, the GAL still mandated an increase in unsupervised visits with the abuser.
-PARENT

With proper training, I believe there would be less court hearings, less adversarial families, and children who can move on with their lives.
-MENTAL HEALTH PROFESSIONAL